

### REMARKS/ARGUMENTS

Claims 1-7, 9, 11, and 14-20 are pending in the application. Claims 17 and 18 are canceled without prejudice to prosecution of the subject matter contained therein at a later date. Claims 1 and 5 are amended. Upon entry of this amendment, claims 1-7, 9, 11, 14-16, and 19-20 will be pending in this application.

Preliminarily, Applicants note with appreciation the telephonic interview conducted by Applicants' undersigned representative with Examiner Barry on February 17, 2004. During the interview, the Examiner agreed to withdraw the finality of the present office action. The Examiner further agreed to enter the present amendment to claim 1, as supported by the specification. The Examiner requested that the amendment to claim 1 be entered formally before full consideration thereof to overcome the present rejections of claims 1-4, 9, 11, and 14-16 would be given. Accordingly, Applicants submit the amended claims for consideration on their merits.

#### **Amendments to the claims**

Claim 5 has been amended to independent form. Accordingly, claims 5-7, 19, and 20 should be in condition for allowance.

Claim 1 is amended to include the limitation "wherein, in said method, no nitrate ion is added to said wastewater stream." This amendment is supported by the specification, for example, at paragraph [0014], wherein the use of nitrate ion is permissive but not required, and at paragraphs [0017]-[0018], wherein the preferred embodiment of the invention, which does not involve the addition of nitrate ion, is taught.

No new matter has been introduced by way of this amendment. The present amendments should not be construed as acquiescence in any ground for rejection.

#### **Claims 1-4 and 11 are patentable over U.S. Patent No. 6,495,096 to Hamaguchi *et al.***

Claims 1-4 and 11 are rejected under 35 U.S.C. § 102 (e) over U.S. Patent No. 6,495,096 to Hamaguchi *et al.* ("the Hamaguchi patent"). Applicants disagree with the

rejection. Nonetheless, in an effort to advance prosecution of the application, Applicants have amended claim 1 to overcome the rejection.

To anticipate a claim, a prior art reference must teach, either expressly or inherently, each and every element of the claim. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Amended claim 1 recites methods for reducing the evolution of hydrogen sulfide vapors within a sanitary sewer system by adding an iron salt to a wastewater stream within the sanitary sewer system upstream of hydrogen sulfide volatilization to produce free iron ions which react with hydrogen sulfide to form iron (II) sulfide and deliberately adding an oxidant to the wastewater stream downstream of the iron salt addition to regenerate free iron ions from said iron (II) sulfide, wherein the method for reducing hydrogen sulfide vapors does not include a step of nitrate ion addition to the wastewater stream.

The deodorant composition described by the Hamaguchi reference includes a combination of peroxide, a nitrate ion, and a metal salt (deodorant 2) (Hamaguchi patent, column 2, lines 58-61). Iron salts may be used as the metal salt. Nowhere, however, does the Hamaguchi reference teach a deodorization method using an oxidant such as peroxide and an iron salt without the addition of nitrate ion, as presently claimed. In contrast, as taught by examples 13 and 14 and comparative example 2 (Table 2) of the Hamaguchi patent, nitrate ion is critical to the sustained removal of hydrogen sulfide in the Hamaguchi process. Accordingly, the Hamaguchi patent cannot anticipate present claims 1-4 and 11.

Withdrawal of the rejection of claims 1-4 and 11 over the Hamaguchi patent is respectfully requested in view of the amendment to claim 1 made herein.

**Claims 9 and 14-16 are patentable over the Hamaguchi patent.**

Claims 9 and 14-16 are rejected under 35 U.S.C. § 103 for alleged obviousness over the Hamaguchi patent.

To establish a *prima facie* case of obviousness, three requirements must be satisfied: first, there must be some suggestion or motivation to modify the reference or to combine the reference teachings; second, there must be a reasonable expectation of success for achieving the claimed invention and its particular results; and, third, the prior art references must teach or suggest all the claim limitations. *See In re Vaeck*, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991).

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**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

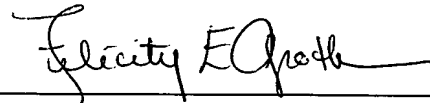
Applicants disagree with the rejections. Nonetheless, Applicants believe the amendment to claim 1 made herein overcomes the rejection for the reasons previously provided. In short, the Hamaguchi patent fails to teach or suggest a deodorization process using an oxidant such as peroxide and an iron salt without the addition of nitrate ion, as required by claims 9 and 14-16; rather, as taught by examples 13 and 14 and comparative example 2 (Table 2) of the Hamaguchi patent, nitrate ion is critical to the sustained removal of hydrogen sulfide in the Hamaguchi process. Withdrawal of the rejection is respectfully requested in view of the amendments made herein.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the undersigned may be contacted at 215-557-5908.

Respectfully submitted,



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